

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION**

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	2:14-cr-00022-JMS-CMM-1
vs.	)	
	)	
DUSTIN L. LALEN,	)	
Defendant	)	

**REPORT AND RECOMMENDATION**

On May 19, 2021, the Court held an initial hearing on the Petition for Warrant for Offender Under Supervision filed on May 7, 2021 [Doc. 57].

This matter was reconvened on June 3, 2021, for a detention hearing. Mr. Lalen (“Defendant”) appeared with FCD counsel, Mike Donahoe. The Government appeared by Kyle Sawa, Assistant United States Attorney on behalf of Bradley Blackington. U. S. Probation appeared by Officer Brent Witter. This matter is heard on a referral from U.S. District Judge Jane Magnus-Stinson. The Defendant was advised that any recommendation from a magistrate judge was subject to review, acceptance, or rejection by the District Judge, who retains ultimate authority to adjudicate these matters.

The parties advised the Court at the outset of the hearing that an agreement had been reached on a proposed disposition of this matter. The agreement is that the defendant would admit Violations #3, 4, 5 and 6 in the petition [Doc. 57] and the Government would dismiss Violation #1 and 2. The parties also concurred that a six-month term of imprisonment without supervised release to follow is an appropriate disposition of this matter.

The Court conducted the following procedures in accordance with Fed. R. Crim.

P. 32.1(a)(1) and 18 U.S.C. §3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition.

2. After being placed under oath, Defendant admitted Violations 3, 4, 5 and 6 in the 4/7/2021 petition.

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

3. "The defendant shall not leave the judicial district without the permission of the court or the probation officer."

On or about November 13, 2020, Mr. Lalen traveled outside of the judicial district without permission from the probation officer, as evidenced by his arrest in Kentucky on that date.

On March 8, 2020, a traffic stop was conducted by law enforcement in Pinellas County, Florida, on Mr. Lalen. Mr. Lalen did not have permission to travel outside of the Southern District of Indiana.

4. "The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons"

On November 13, 2020, Mr. Lalen was terminated from his employment with Conexco, Inc. He has since failed to obtain employment.

5. "The defendant shall not unlawfully possess a controlled substance. The defendant shall any unlawful use of a controlled substance."

On November 16, 2020, Mr. Lalen admitted to using marijuana on November 11, 2020.

On June 12, 2020, Mr. Lalen submitted a urine sample that returned positive for amphetamine. When confronted, Mr. Lalen admitted to unlawfully possessing and using methamphetamine prior to the collection of the urinalysis.

6. "The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer"

Mr. Lalen failed to notify his probation officer regarding his law enforcement contact in Pinellas County, Florida on March 8, 2020.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **B** violation.
- (b) Defendant's criminal history category is **III**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **8 to 14** months imprisonment.

5. Parties jointly recommended that defendant serve six months with no further supervision upon release.

6. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

- (a) The Defendant made a voluntary and knowing admission of the violations set forth in the petition;

- (b) The agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge.

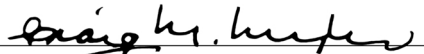
### **Recommendation**

Consistent with the parties' agreement, the Magistrate Judge respectfully recommends the Defendant be sentenced to six months in the custody of the U.S. Bureau of Prisons and that no term of supervised release be incorporated in the sentence.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The Defendant is ordered detained pending the District

Judge's review of the report and recommendation. The parties have a 14-day period within which to appeal this report and recommendation.

Dated: June 3, 2021

  
CRAIG M. McKEE, Magistrate Judge  
United States District Court  
Southern District of Indiana

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